

**THE HON'BLE SRI JUSTICE
GODA RAGHURAM**

And

**THE HON'BLE SRI JUSTICE
S. ANANDA REDDY**

W.P.No. 11133 of 2002

Dated: 19-09-2007

Between:

Ch. Rama Chary

...Petitioner

And

The Principal District & Sessions Judge,
Nalgonda and another.

...Respondents

**THE HON'BLE SRI JUSTICE
GODA RAGHURAM**

And

**THE HON'BLE SRI JUSTICE
S. ANANDA REDDY**

W.P.No. 11133 of 2002

Oral Order: (Per: The Hon'ble Sri justice Goda Raghuram)

By the order of the first respondent dated 18-11-1999, the petitioner was visited with the penalty of 'removal from service' under Rule 9 (viii) of the Andhra Pradesh Civil Services (C.C.A) Rules, 1991 with

immediate effect. The penalty was imposed after a due process of disciplinary inquiry whereat one of the charges against the petitioner was held 'proved'.

The charge in respect of which the finding of guilt was recorded is that the petitioner had collected money from several persons for securing appointments in the judicial department. There was another charge of failure to take steps to serve summons in O.S.Nos. 47 of 1998 and 57 of 1998 on the file of District Munsif, Ramannapet, but that charge was dropped. The singular charge on which the finding of guilt was recorded in the disciplinary inquiry was that the petitioner while working as an Attender (Process Server) in the District and Sessions Court, Nalgonda during 1992 made a false statement to one Kandukuri Bhaskara Chary of Shaligowraram mandal that there were forty five (45) Attender and other vacancies in the District Court; that the District Judge had asked the petitioner to secure money for appointments; that the petitioner demanded Rs.25,000-00 (Rupees twenty five thousands only) for each post and that on 04-06-1992 he collected Rs.40,000-00 (Rupees Forty thousands only) under a false pretence for securing the job for the son of Shanker and his son-in-law Satyanarayana and also that the petitioner also promised to give concession of Rs.10,000-00 (Rupees Ten thousands only) to the complainant-K. Bhaskara Chary, if he procures other unemployed candidates for collection of

amounts by the petitioner. It is also the charge that having secured the amounts from various persons and on failure to secure employment for them, the petitioner failed to refund the amounts taken and executed promissory notes in favour of the complainant and also collected other amounts from one Bobbala Kista Reddy, Nimmanagoti Mallaiah and Rajula Lingaiah for securing jobs to their kith and kin and failed to repay the amounts.

The Senior Civil Judge, Nalgonda was appointed as an Inquiry Officer who conducted inquiry duly and submitted a report on 16-08-1999.

In C.C.No.04 of 1997 on the file of Judicial First Class Magistrate, Nakrekal, the petitioner was prosecuted on the private complaint of K. Bhaskara Chary for an offence under Section 420 of the Indian Penal Code. By the judgment dated 30-06-1999 in C.C.No. 04 of 1997, the petitioner was however acquitted on the ground that the evidence marshaled was not sufficient to bring home the guilt on to the petitioner.

In the departmental inquiry, the Junior Civil Judge, Nakrekal, who was the Presiding Officer in C.C.No. 04 of 1997, was examined as P.W.1. She testified that during the course of trial in the criminal case when she questioned the accused (the petitioner), he sought time to compromise the matter with the complainant and when she questioned as to what are the terms on which the

petitioner wanted to compromise with the complainant, the petitioner informed the Court that he would return the amounts due, in installments. The same was also recorded in the docket proceedings dated 02-03-1998 in C.C.No. 04 of 1997 which was marked as Ex.P.5.

P.W.3, the wife of Bhaskara Chary also testified that the petitioner had collected amounts from her husband and others for securing jobs but failed to secure jobs for them and that all the persons who had paid amounts to Bhaskara Chary for onward transmission to the petitioner realized the amounts paid to Bhaskara Chary from out of the properties of Bhaskara Chary, who had died during the pendency of the disciplinary proceedings. Neither were P.W.1 nor P.W.3 cross-examined by the petitioner during the departmental inquiry. The petitioner also did not offer any explanation as to the reason why he executed a large number of promissory notes in favour of persons, who are alleged to have paid amounts to the petitioner through Bhaskara Chary for securing employment in the District Court. On the basis of this material, the inquiry officer rationally inferred that the petitioner was guilty as charged in respect of Charge No.1.

The petitioner preferred an appeal to the second respondent on 25-01-2000. The second respondent after giving due appellate consideration to the appeal rejected the same by the order dated

13-02-2002. Both these orders are impugned in this writ petition.

In the considered view of this Court, there is adequate material having probative value, which was considered by the inquiry officer for finding the petitioner guilty of charge No.1. The disciplinary authority, the first respondent had also assessed the material on record and the report of the inquiry officer and concurred with the findings in the enquiry report. The appellate authority had also considered the appeal and rejected the petitioner's appeal for the detailed reasons recorded in the appellate order. This is not a case of a finding of guilt recorded on 'no evidence', nor are there any other fatal infirmities in the conduct of disciplinary enquiry. On this analysis, no grounds are made out for interference. There are no merits.

The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

S. ANANDA REDDY, J

Dated: 19-09-2007
Pvks/*